IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 10976 of 2006(F)

PETITIONERS:

----

1. **MANAGER,**
   HIGHER SECONDARY SCHOOL,
   MUTHUKULAM.

2. **G.BINDU, HSA (MATHS),**
   HIGHER SECONDARY SCHOOL,
   MUTHUKULAM.

3. **J.JYOTHILAKSHMI,**
   HSA (MATHS),
   HIGHER SECONDARY SCHOOL,
   MUTHUKULAM.

BY ADV. SMT.V.P.SEEMANDINI (SR.)
SMT.S.KARTHIKA
SRI.M.R.ANISON
SRI.LAKSHMY RAMANATHAN

RESPONDENTS:

----

1. **STATE OF KERALA,**
   REP. BY ITS SECRETARY TO GOVT.,
   GENERAL EDUCATION DEPARTMENT,
   TRIVANDRUM.

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
   TRIVANDRUM.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   ALLEPPEY.

4. **THE DISTRICT EDUCATIONAL OFFICER,**
   ALLEPPEY.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.10976/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.22.9.2003 ISSUED BY THE 4TH RESPONDENT.

EXT.P2:- COPY OF THE ORDER DT.5.1.2004 ISSUED BY THE 4TH RESPONDENT.

EXT.P3:- COPY OF THE ORDER DT.22.7.04 ISSUED BY THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE ORDER DT.17.8.04 ISSUED BY THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE ORDER DT.13.6.05 ISSUED BY THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE ORDER DT.13.6.05 ISSUED BY THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE ARGUMENT NOTE SUBMITTED BY THE 1ST PETITIONER DT.24.11.05.

EXT.P8:- COPY OF THE ORDER DT.31.12.05 ISSUED BY THE 1ST RESPONDENT.

EXT.P9:- COPY OF THE PROCEEDINGS NO.M/10/03 DT.26.12.03.

EXT.P10:- COPY OF THE PROCEEDINGS NO.M/11/03 DT.5.1.04.

/TRUE COPY/

tss

K. M. JOSEPH, J.

W.P.C. NO. 10976 OF 2006 F

Dated this the 23rd January, 2007

JUDGMENT

Case of petitioners, in brief, is as follows:

First petitioner is the Manager of a Higher Secondary School having High School Section attached to it. Petitioners 2 and 3 are HSAs (Maths) working in the said School. Complaint of petitioners 2 and 3 are that though they had approved service for various spells and they are Rule 51A claimants, by Exts.P1 and P2, fourth respondent DEO rejected the claim for approval of the appointment of petitioners 2 and 3 in the regular vacancies. Though Appeals were preferred, they were rejected by third respondent vide Exts.P3 and P4. Further Appeals preferred also were rejected by second respondent DPI vide Exts.P5 and P6. The Revision Petition carried by first petitioner Manager also was unsuccessful. Petitioners challenge Exts.P1 to P6 and P8. The reason for rejection stated is that the sanctioned posts of HSA (Maths) are seven and if the petitioners

are accommodated it will become nine. As far as the claim for protection is concerned, it is stated that the protection cannot go beyond 16.11.2002, while petitioners 2 and 3 were appointed with effect from 2.6.2003 and these vacancies are set apart for HSAs (English). I do not find any merit in the complaint of petitioners. I find that there is force in the stand taken by the Authorities. Accordingly, the Writ Petition fails and it is dismissed.

K. M. JOSEPH, JUDGE

kbk.